U.S. Patent Application No. 10/519,465
Response to Restriction Requirement and
Election of Species Requirement dated October 17, 2006
Reply to Office Action of August 17, 2006

REMARKS/ARGUMENTS

Reconsideration and continued examination of the above-identified application are respectfully requested.

At page 2 of the Office Action, the Examiner is requesting that the applicant elect from one of ten groups as follows:

I. Claim 1, drawn to an inhibitor of c-Jun phosphorylation;

II. Claim 2, drawn to a method for inhibiting c-Jun phosphorylation;

III. Claims 3-4 and 21-23, drawn to an agent for preventing and/or treating a disorder;

IV. Claims 5-6 and 24-26, drawn to a method for preventing and/or treating a disorder;

V. Claim 7, drawn to a method for identifying a compound that inhibits the binding of p21-activated kinase 4 to MAP kinase kinase 7.

VI. Claim 8, drawn to a method for identifying a compound that inhibits the binding of JNK/SAPK inhibitory kinase to MAP kinase kinase 7.

VII. Claim 9, drawn to a method for identifying a compound that inhibits the phosphorylation of MAP kinase kinase 7 cause by p21-activated kinase 4.

VIII. Claim 10, drawn to a method for identifying a compound that inhibits the phosphorylation of MAP kinase kinase 7 cause by JNK/SAPK-inhibitory kinase.

IX. Claim 20, drawn to a pharmaceutical composition.

X. Claims 27-28, drawn to an agent kit.

At page 3 of the Office Action, the Examiner also sets forth an election of species requirement. The Examiner is requiring that the applicant elect a particular species for each of the following categories:

(A) The type of causes of c-Jun phosphorylation inhibition from among those instantly claimed (see claims 1, 2, 3, and 5).

(B) The type of compound/inhibitor in the pharmaceutical composition from among those instantly claimed (see claims 20, 21, and 24).

(C) The type of disorders from among those instantly claimed (see claims 23 and 26).

(D) The type of members of the reagent kit from amount those instantly claimed (see claim 27).

To be responsive, the applicants elect, with traverse, Group V, claim 7, drawn to a method for identifying a compound that inhibits the binding of p21-activated kinase 4 to MAP kinase kinase 7. Further, regarding the species relating to Group V (claim 7), the applicants elect as follows: (A) inhibiting the binding of p21-activated kinase 4 (PAK4) to MAP kinase kinase 7 (MKK7); (B) an inhibitor of the binding of PAK4 to MKK7; (C) Alzheimer's disease; and (D) a reagent kit containing at least one member selected from the group consisting of p21-activated kinase 4 (PAK4), a polynucleotide encoding PAK4, a vector containing a polynucleotide encoding PAK4, and at least one member selected from the group consisting of MAP kinase kinase 7 (MKK7), a polynucleotide encoding MKK7, a vector containing a polynucleotide encoding MKK7. As for the election of species from category (D), if a further election is required from the group consisting of the protein, the polynucleotide and the vector, the applicants elect, with traverse, the protein. In such a case, the species elected from category (D) would be a reagent kit containing p21-activated kinase 4 (PAK4) and MAP kinase kinase 7 (MKK7). In the event that the Examiner does not believe this response to be fully responsive, the Examiner is respectfully asked to contact the undersigned via telephone.

Claim 7 reads on the elected invention.

Additionally, the applicants have not amended the claims to remove non-elected subject

matter in order to preserve any appeal/petition options on this restriction requirement.

For the following reasons, the restriction requirement is respectfully traversed.

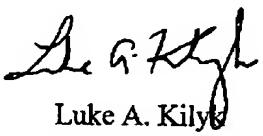
With regard to the claims, it is respectfully submitted that all claims should be examined at this time since there appears to be no serious burden on the part of the Examiner to search the entire scope of the claims.

According to the Examiner, the claims lack unity because there is no special technical feature that they all share. The applicants note that the Examiner's lack of unity argument is not understood. Clearly, the claims each relate to one of the four functions identified in claim 1, which is repeated in the other claims. The Examiner has not provided any sufficient reason with respect to lack of unity, and the Examiner has not met the Examiner's burden for concluding lack of unity, especially in view of the very brief comments made by the Examiner. The applicants respectfully point out to the Examiner that unity exists since the PCT search authority clearly examined each of these claims, thus showing unity under PCT Rule 13.1. In addition, with respect to the Examiner's comments that the inhibitor does not have any relationship to any of the method group inventions, the functions are identical in the claims with respect to inhibiting the binding or inhibiting the phosphorylation. Further, the subject matter has the same concept from the standpoint that the searches would overlap. Under M.P.E.P. § 803, if there is no serious burden in the examination of all of the claims even if the claims are directed to separate inventions, the Examiner must examine all claims at this time. It would appear that § 803 applies to the current situation and therefore the restriction requirement should be withdrawn and all claims should be examined at this time. At a minimum, the Examiner should re-group these non-elected claims upon the allowability of the Group V subject matter.

If there are any fees due in connection with the filing of this response, please charge the fees

to Deposit Account No. 50-0925. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such extension is requested and should also be charged to said Deposit Account.

Respectfully submitted,



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